

Article - Criminal Law

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§11-202.

(a) A person may not:

(1) knowingly send or cause to be sent any obscene matter into the State for sale or distribution;

(2) knowingly bring or cause to be brought any obscene matter into the State for sale or distribution;

(3) in the State prepare, publish, print, exhibit, distribute, or offer to distribute any obscene matter; or

(4) possess any obscene matter in the State with the intent to distribute, offer to distribute, or exhibit.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(c) (1) The State's Attorney may maintain an action for an injunction in the circuit court against a person to prevent the sale, further sale, distribution, further distribution, acquisition, publication, or possession within the State of any book, magazine, pamphlet, newspaper, story paper, writing paper, picture, card, drawing, photograph, motion picture film or showing, or any article, item, or instrument the use of which is obscene.

(2) The circuit court may enjoin the sale or distribution of a book, magazine, motion picture film or showing, or other publication or item that is prohibited under this section from sale or distribution.

(3) After being served a summons and complaint in an action by the State's Attorney under this section, a person who sells, distributes, or acquires the enjoined material is chargeable with knowledge of the contents of the materials described in this section.

(4) The defendant is entitled to a trial of the issues within 1 day after joinder of issue.

(5) The court shall render a decision within 2 days after the conclusion of the trial.

(6) If an order or judgment is entered in favor of the State's Attorney, the final order or judgment shall contain provisions:

(i) directing the person to surrender the obscene matter to the peace officer designated by the court or the county sheriff; and

(ii) directing the peace officer or county sheriff to seize and destroy the obscene matter.

(7) In an action brought under this section, the State's Attorney is not:

(i) required to file a bond before an injunction order is issued;

(ii) liable for costs; or

(iii) liable for damages sustained because of the injunction order if judgment is rendered in favor of the defendant.

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